IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH

S.B. CRIMINAL MISC. PETITION NO.2006/07

Raghuveer Singh Shekhawat

Versus

State

DATE OF ORDER :: 19/11/2007

HON'BLE MR. JUSTICE AJAY RASTOGI

Mr. Sandeep Sharma, for petitioner
Mr. Arun Sharma, Public Prosecutor

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Instant petition has been filed assailing order dated 1st October, 1996 whereby learned Magistrate took cognizance against accused-petitioner for offence u/s.420 IPC.

Complainant Sanjay Kumar Gupta filed a written report – on which FIR was registered on 7th June, 1995 at Police Station Adarsh Nagar, Jaipur. After investigation, challan was filed and charge was also framed against other co-accused. But, since petitioner despite service could not be presented before learned trial Judge, as such charge sheet could have been filed against him.

It has been informed to this court that so far as co-accused are concerned, they are facing trial and it is at the final stage and so far as present petitioner is concerned, he was granted

bail by this court on 13th October, 2006. In his absence, charge sheet could not have been filed against him despite the fact that cognizance was taken against him way back in October, 1996.

Basic contention of counsel for petitioner is that there is no material available on record even during investigation and no prima facie case against him u/s.420 IPC is made out.

It is to be referred that order taking cognizance against accused-petitioner is revisable and revision petition u/s.397 Cr.P.C. is maintainable. This court is not inclined to invoke inherent power available u/s.482 Cr.P.C.

Consequently, the misc. petition fails and is hereby dismissed. However, petitioner will be at liberty to file revision petition, if so advised. Relevant papers be made available to him on furnishing xerox copies of the same.

[AJAY RASTOGI],J.